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App. Serial No. 10/701,882
Atty. Docket No. R029 1380**REMARKS**

Claims 21-52 are pending. All claims read on Species I. Claims 1-20 have been canceled without prejudice or disclaimer of the subject matter contained therein. Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

Claim Rejections

Claims 1-20 have been canceled, rendering the rejections under 35 U.S.C. §102(b), §103(a), and §112 moot.

New Claims 21-52

In the outstanding Office Action, the Examiner applied *Merkel et al.* (US 3,002,613), *Saam* (US 5,927,498), *Carroll* (US 5,921,398) and *Mott* (US 2,152,079). New claims 21-52 define over the patents cited by the Examiner. Examples of distinguishing features recited in the claims are discussed below.

Claim 21 recites a shipping and dispensing carton in which the opening flap is wider in the bottom panel than in the first side panel. The relatively wide portion of the opening flap provides greater accessibility to the articles within the carton when the carton is in the display configuration. Claims 39 and 43 also recite opening flaps which are wider in bottom panels.

Merkel discloses a package capable of shipping and displaying containers. Referring to Figure 1, a carton 11 houses cans 12 stacked end-to-end in two tiers. Referring also to Figure 2, a tear strip 24 extends around a part of the perimeter of the carton 12. Referring to Figures 5 and 6, removing the tear strip 24 allows the carton 11 to be partially separated into two halves and folded open into the display configuration shown in Figure 6. *Merkel's* removable section 24, shown in Figure 5, is of constant width.

Saam discloses a package 26 for shipping and displaying pouches. Referring to Figures 8 and 9, a section 36 can be removed from the package 26, which can then be separated along a central line of weakening 38 and divided into two trays 40. *Saam's* removable section 36 is also of constant width.

Carroll discloses a storage and display carton 100. Referring to Figures 4 and 5, the carton 100 is torn along lines of weakening 42a, 42b and removable portions 14, 18 are

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removed by tearing along a perforated line 40. The rear top flap 34 is then torn along line 44 and bases 50, 52 are rotated to obtain the display configuration. The portions 14, 18 of *Carroll*, which are removed to open the carton 100, are rectangular. Also, *Carroll's* removable portions 14, 18 extend in only two panels 12, 16.

Mott discloses a storage and display carton for tobacco products. Referring to Figures 2 and 4, the carton has a tear-out section B. Referring to Figures 5-6, the carton is converted to a display configuration by removing the tear-out section B and folding the carton about fold line g, thereby forming two side-by-side display sections. *Mott* fails to disclose an opening flap which is wider in a bottom panel.

CONCLUSION

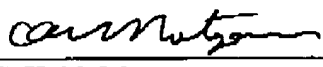
In view of the above remarks, Applicants respectfully assert that the rejections of the claims as set forth in the Office Action have been addressed and overcome. Applicants further respectfully assert that all claims are in condition for allowance and requests that an early notice of allowance be issued.

If issues may be resolved through Examiner's Amendment, or clarified in any manner, please call the undersigned attorney at (404) 879-2443.

The Commissioner is hereby authorized to charge any required fees or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,

Date: 9-16-05


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